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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/710,645	09/18/1996	MICHAEL R. LEVINE	GEM-02703/03	8009

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EXAMINER	
BROWN, RUEBEN M	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	08/710,645	LEVINE, MICHAEL R.	
	Examiner	Art Unit	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) *11-15* is/are allowed.

6)☐ Claim(s) *1,3-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/21/2007 have been fully considered but they are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for lacking antecedent basis. Considering claim 11, the instant claim recites, *'In a TV module...the TV module including...a remote control signal transmitter...a processor...memory...the method of determining control codes...'*.

There is no method previously cited, to which the claimed, *'the method'*, refers. It is noted that similar claim language in claim 1 is recited to be performed by *'an electronic controller'*.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 & 3-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai, (U.S. Pat # 5,640,262), in view of Furrey, (U.S. Pat # 6,049,653).

Considering claim 1, the claimed TV module for use with a remotely controllable associated unit, comprising;

'a housing containing the following components';

'a video recorder', reads on the VTR 10 disclosed by Hanai, (Fig. 1; col. 3, lines 10-50).

'a remote-control signal transmitter operative to transmit signal representative of control codes to the associated unit', is met by the infrared ray signal transmission portion 16, (Fig. 2; col. 4, lines 10-25; col. 5, lines 15-41).

'memory operative to store remote-control codes including the energization codes for associated units provided by a variety of manufacturers', is met by the remote control storage unit 15 that stores control codes from different manufacturers, as disclosed by Hanai, (col. 6, lines 58-67). Hanai discloses that the system controller 12 may learn the control codes for power on/off and channel changing with respect to a variety of manufactures, but may alternatively have these control codes already stored in advance in the storage unit 15, (col. 3, lines 57-67 thru col 4, lines 1-19; col. 5, lines 27-48).

'an electronic controller operative to perform the following functions';

'cause the remote control signal transmitter to transmit test control signals to the associated unit', reads on the disclosure in Hanai that codes are transmitted to the attached unit, col. 4, lines 45-67.

'analyze the operation of the associated unit, to determine whether the associated unit has been energized in response to the test control codes', in the instances that the control codes of the various manufacturers were pre-stored in the VCR and retrieved for use, Hanai does not discuss any testing to make sure that the instant control codes caused the associated unit to operate as expected i.e., OFF/ON. Nevertheless Furrey, which is in the same filed of endeavor discloses a process wherein a VCR pre-stores control codes for controlling various devices from various manufacturers. Furrey goes on to disclose that it is advantageous for the controlling device to determine whether the controlled device is actually operating according to the

commands that have bee transmitted from the controlling device, see col. 5, lines 5-25. Thus, the VCR in Furrey analyzes the operation of the associated unit after the control codes have been transmitted, in order to determine whether the instant associated unit is operating as expected. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hanai, with the feature of testing whether control codes transmitted to an associated device has caused the instant associated device to operate as expected, which confirms that the VCR is able to control the STB because if not, then a specific command that is requested by the customer, i.e., record a specific program, might not take place, see Furrey, col. 5, lines 5-40.

'cause the control codes determined to be related to the associated unit to be stored in memory', reads on the combination of the discussion in Hanai that the control codes are stored in the VCR, col. 3, lines 60-67 & col. 5, lines 1-20 and the disclosure in Furrey that after it has been determined that the associated device is operating as expected, this information is feedback to the VCR, col. 5, lines 30-45. Therefore, even though Furrey does not explicitly state that the VCR sets/stores the transmitted control code with the associated device, it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hanai & Furrey, with the feature of storing/setting the transmitted/confirmed control code with its associated device, at least for the desirable purpose of re-using the instant control code, without testing, at least within the same viewing session.

Considering claim 3, the associated unit in Furrey is a cable box, Fig. 2a & 2b.

Considering claim 4, *'wherein the associated unit is a satellite receiver'*, reads on the BS tuner 20 of Hanai, see Fig. 2.

Considering claim 5, *'wherein the associated module is a video recorder'*, Hanai teaches that a VCR may alternatively be the associated unit, see col. 6, lines 40-50.

Considering claims 6-9, Furrey teaches that a Valid Sync Detect algorithm may be used to analyze the sync signals from a TV signal, see col. 5, lines 25-50.

6. Claims 10 & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanai & Furrey, further in view of Fardeau, (U.S. Pat # 5,581,800).

Considering claims 10 & 16, Furrey teaches detecting the operation of the associated unit based on monitoring the video signal, but does not teach using any audio sensor to detect changes in an acoustic signal. Nevertheless, Fardeau provides a teaching of identifying TV programs based on audio signals detected by the receiver, Abstract; Fig. 3; col. 7, lines 50-67; col. 8, lines 1-6 & col. 8, lines 40-67 thru col. 9, lines 1-40. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Hanai & Furrey with the feature identifying TV programming, (thereby recognizing the operation of a TV receiver), by detecting audio signals, at least for the advantage of a device, separately from the TV receiver, monitors and detects the operation of the TV receiver based on

inaudible and/or audible signals embedded in TV programming, as taught by Fardeau, col. 1, lines 17-67.

Considering claims 17 & 20, *'wherein the associated module is a video recorder'*, Hanai teaches that a VCR may alternatively be the associated unit, see col. 6, lines 40-50.

Considering claim 18, the associated unit in Furrey is a cable box, Fig. 2a & 2b.

Considering claim 19, *'wherein the associated unit is a satellite receiver'*, reads on the BS tuner 20 of Hanai, see Fig. 2.

Allowable Subject Matter

7. Claims 11-15 are allowable over prior art of record.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Levine Teaches using a VCR as a mater unit that stores control codes for other devices, such as a STB, TV, etc.

B) Geiger TV receiver that stores control codes for associated units.

C) Furrey A detector circuit in VCR that detects operation of associated devices.

D) Kim VCR control of a CATV converter unit.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

CHRIS KELLEY
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